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RESOLUTION 2022-10

REVISE STATUTES RELATED TO ABANDONMENT OF COUNTY ROADS

It is the intent of the Montana Association of Counties to seek legislation to clarify the petition process and acquisition of rights-of-way for county roads.

WHEREAS MCA 7-14-2107, “Acquisition of Right-of-Way,” does not cross-reference the statutory authority for boards of county commissioners to discontinue or abandon rights-of-way; and

WHEREAS MCA 7-14-2603, “Investigation of Request Concerning Road – Decision,” and MCA 7-14-2614, “Record of Road Opening or Alteration to be Maintained,” require a viewing and report by no more than one member of the board of county commissioners and the county surveyor, the latter of which is a position not filled in many counties; and

WHEREAS MCA 7-14-2615, “Abandonment or Vacation of County Roads,” is permitted by order of the board of county commissioners but only in the context of a valid petition; and

WHEREAS “freeholder” is not defined in MCA Title 7 but is defined in MCA Title 70.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation to clarify that discontinuation or abandonment of a right-of-way pursuant MCA 7-14-2107 can only be accomplished by the petition process in MCA 7-14-2601 *et seq.*; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to clarify that, in counties where a county surveyor is not appointed or elected, the county road supervisor shall be appointed to assist with the viewing and report as required in MCA 7-14-2603 and MCA 7-14-2614; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to clarify that, pursuant to MCA 7-14-2615(1)(c), the “order of the board” can only be issued upon completion of the petition process under MCA 7-14-2601 *et seq.*; and

BE IT FURTHER RESOLVED that the Montana Association of Counties will seek legislation to cross-reference the definition of “freeholder” in MCA Title 7 so it shall be consistent with the definition of “freeholder” in MCA 70-15-206.

SPONSOR:	FALLON COUNTY
REFERRED TO:	TRANSPORTATION COMMITTEE
ADOPTED:	ANNUAL CONFERENCE – SEPTEMBER 28, 2022